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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,118	09/17/2003	Luiz B. Da Silva	BIO-002	8524
28661	7590	09/14/2005	EXAMINER	
SIERRA PATENT GROUP, LTD. P O BOX 6149 STATELINE, NV 89449			NGUYEN, HOAI AN D	
			ART UNIT	PAPER NUMBER
			2858	
DATE MAILED: 09/14/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/667,118

Applicant(s)

DA SILVA ET AL.

Examiner

Hoai-An D. Nguyen

Art Unit

2858

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Schneider et al. (US 6,531,880).

Schneider et al. teaches a non-invasive cable tester comprising:

With regard to claims 1 and 12, a probe (FIG. 1, sensor 102) comprising an outer conductor (FIG. 1, shield 114) forming an outer wall having an exterior and an interior, a non-conductive spacer (FIG. 1, dielectric 112) forming a first wall having an exterior and an interior, the non-conductive spacer coupled to the interior of the outer conductor, a conductive layer (FIG. 1, second plate 108) forming a second wall having an exterior and an interior, the conductive layer coupled to the interior of the first wall, an insulating layer (FIG. 1, dielectric 106) forming a third wall having an exterior and an interior, the insulating layer coupled to the interior of the second wall, and an inner conductor (FIG. 1, first plate 104) forming an inner wall having an exterior and an interior, the inner conductor coupled to the interior of the third wall (Column 5, lines 17-41).

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With regard to claim 12, in addition, control electronics (FIGS. 1 and 3-5, signal processing chassis 130) electrically coupled to the low capacitance measurement probe, the control electronics having a display (Column 4, lines 19-34, column 6, lines 28-55, from column 7, line 7 to column 8, line 2 and claim 41).

With regard to claims 2 and 13, an electrical circuit is created when the outer conductor and the inner conductor electrically communicate responsive to contact with tissue (From column 5, line 17 to column 6, line 55)

With regard to claims 3 and 14, wires coupled to the outer conductor, the conductive layer, and the inner conductor (Column 5, lines 28-30 and column 6, lines 38-55).

With regard to claims 4 and 15, the probe has a probe end (FIG. 1, sensor 102 connected to an insulated handle 120 by joint 122) and a control end (FIG. 1, the signal processing chassis 130 mounted on the insulated handle 120) (Column 6, lines 18-37).

With regard to claims 5 and 16, a handle (FIG. 1, handle 120) coupled to the control end (Column 6, lines 18-37).

With regard to claims 6, 8 and 17-20, control electronics module (FIGS. 1 and 3-5, signal processing chassis 130) configured to send electrical signals to the low capacitance measurement probe and configured to receive measurements for indication on a display (Column 4, lines 19-34, column 6, lines 28-55, from column 7, line 7 to column 8, line 2 and claim 41), the control electronics disposed in the handle (FIG. 1, handle 120) (Column 6, lines 18-37).

With regard to claims 7, 9 and 23, a user interface coupled to the control electronics (FIG. 4).

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With regard to claims 10 and 21, the outer conductor, the inner conductor, and the conductive layer are comprised of a material selected from the group consisting of stainless steel, platinum, gold, silver, copper, and conductive plastic (Column 5, lines 59-62).

With regard to claims 11 and 22, non-conductive spacer and the insulating layer are selected from the group consisting of polyethylene, polyurethane, polytetrafluoroethylene, polyimide, parylene, glass, epoxy, ceramic, and silicone (From column 5, line 62 to column 6, line 6).

Response to Arguments

3. Applicant's arguments, see the amendment, filed July 12, 2005, with respect to the rejection(s) of claim(s) 1-23 under 35 U.S.C. 102(b) and 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Schneider et al. (US 6,531,880) as discussed right above.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant's attention is invited to the followings whose inventions disclose similar devices.

- Hirschi et al. (US 5,325,873) teaches a tube placement verifier system.
- McMills et al. (US 5,342,218) teaches a coaxial cable connector with mandrel spacer and method of preparing coaxial cable.

- King et al. (US 5,528,155) teaches a sensor for measuring material properties.
- Sargent et al. (US 6,586,949) teaches a volume charge density measuring system.

CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoai-An D. Nguyen whose telephone number is 571-272-2170.

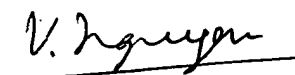
The examiner can normally be reached on M-F (8:00 - 5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lefkowitz can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hoai-An D. Nguyen
Examiner
Art Unit 2858
HADN

HADN


9/12/2005
VINCENT Q. NGUYEN
PRIMARY EXAMINER